

Rights and Conflicts in FIDIC Contracts

The ADR (alternative dispute resolution) process and the perfect claim

Introduction

The crucial topic of claims and disputes that result in extensions of time (EOT), delays, cost overruns, and damage to the business relationships between contract parties is covered in this FIDIC Contracts training course on claims and disputes. It will highlight the growing significance of knowing how to prevent conflicts and claims during contract implementation in general, and in the instance of FIDIC contract conditions specifically.

Through real-world case studies, this training programme will instruct participants on how to handle claims and disagreements that arise during the drafting, agreement, and execution phases of contracts.

This training session on Course N Carry will emphasise:

- Concepts of FIDIC contracts and choosing the right one
- Principal FIDIC terms that may give rise to claims under contracts
- The primary methods of resolving disputes are arbitration, mediation, adjudication, and negotiation.
- Principal FIDIC clauses pertaining to EOT claims, other claims, including civil law claims for tort duty
- Arbitration (both local and international) and the Dispute Avoidance and Adjudication Boards (DAAB)

Objectives

After completing this training course on claims and disputes under FIDIC contracts, you will be able to:

- Recognise and choose the right FIDIC Contract form.
- Prevent or lessen the factors that could give rise to future conflicts and claims.
- Handle claims and modifications in FIDIC contracts.
- Recognise how the Employer and Contractor claims are affected by the usage of the on clause.
- Discover how FIDIC uses arbitration, disputes boards, and determination to settle conflicts.
- Recognise the problems with applying FIDIC conditions in accordance with the applicable laws.

- Recognise the distinctions between international arbitration and local arbitration legislation in the Middle East

Training Methodology

A range of established adult learning strategies will be employed in this training programme to guarantee that the material is understood, comprehended, and retained to the greatest extent possible. This comprises:

- Instruction delivered online or in an interactive, conventional classroom setting
- Detailed analysis of the FIDIC terms of contract's claims and disputes clauses
- Assistance by addressing problems that participants encounter when handling their claims
- Using real-world, regional, and global case studies to support instruction
- Learn "how-to" customise FIDIC contracts to meet local legal requirements.

Organizational impacts

Your company will gain from taking this Claim and Disputes under FIDIC Contracts training course in the following ways:

- Lowering the risk of conflicts and lawsuits by using global best practices
- Enhancing commercial ties with other companies through the use of a balanced contract form
- Adapting your FIDIC-based contract forms to your own requirements
- Avoiding wasting valuable executive time on resolving complaints and conflicts
- Developing your own process to handle claims and disagreements in an efficient manner

Personal Impact

By participating in this training programme, you will gain:

- Raising your knowledge of business and legal matters
- Recognising your responsibilities as an employer, contractor, or engineer while carrying out FIDIC contracts
- Professionalism in creating terms of the contract to minimise risks and lower claims
- Professionalism in the creation and delivery of claims
- Pursuing a profession in the handling of claims and disputes
- Enhancing your commercial relationships with counterparts when carrying out contracts

Who should attend?

This Claim and Disputes under FIDIC Contracts training course is designed for people who plan, draft and carry out contracts in the fields of government contracts, industrial construction, oil and gas, and EPC, among others.

- Members of the project team and project managers
- Project control, cost managers, and commercial managers
- Managers of purchasing and supply chains as well as employees
- Directors of departments, supervisors, and teams under contract
- Intermediate and senior managers

Course Outline

Day 1

FIDIC Contracts and the Process for Filing Claims

- Disputes and Claims: What Are They? Why not stay away from them?
- FIDIC Forms of Contract Introduction
- Classification and Types of Claims
- Consent or the Engineer's Decision
- Procedures for Employer and Contractor Claims
- Examples of claims made in projects

Day 2

FIDIC Change Clauses and Time Extension

- Notices of Change Clauses in FIDIC Forms Contracts and Their Significance
- The Delay and Disruption Protocol of the Society of Construction Law (SCL)
- Techniques for Prospective Delay Analysis
- Techniques for Retrospective (Forensic) Delay Analysis
- Figuring out the costs of interruption, extension, and other expenses
- How do I choose the right analysis approach?
- Extension of Time, or EOT

Day 3

Getting Ready to Present Your Claim

- Notice Types and Their Significance
- Recognising how the governing law affects claim handling
- The Crucial Components of an Effective Claim

- Claim Supporting Evidence and Supplementary Records

- An example of a submitted claim.

Day 4

Board for Dispute Avoidance and Adjudication, Negotiation, and Mediation (DAAB)

- How Do You Negotiate? Why Enter Into a Negotiation?
- The Process, Techniques, and Strategies of Negotiation
- Describe Mediation. What are the benefits?
- The Role of the Mediator and the Mediation Process
- In FIDIC, the Disputes Avoidance and Adjudication Board (DAAB)
- DAAB Agreement drafting and negotiation
- In the Gulf and the UAE, mediation

Day 5

Arbitration on a Local and International Level

- What is the Arbitration Process?
- Section on Arbitration in FIDIC Contractual Provisions
- A Normal Arbitration Process
- The Investment Treaty and the New York Convention
- Arbitration internationally and the UNCETRAL Model Law
- Local Arbitration and How It's Applied
- Notable International Arbitration rulings